

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6883

BILL NUMBER: HB 1509

DATE PREPARED: Jan 12, 1999

BILL AMENDED:

SUBJECT: Various administrative matters.

FISCAL ANALYST: Beverly Holloway

PHONE NUMBER: 232-9851

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- (A) A certificate of qualification for a contractor or a person performing professional services on a state public works project expires 27 months after the date of issuance. (Under current law, a certificate expires 15 months after issuance.);
- (B) A person that holds a certificate of qualification is to notify the Certification Board of any material changes in information supplied in the application submitted to the Board;
- (C) Energy cost savings contracts entered into by the state are to be administered by the Indiana Department of Administration rather than the state agencies that occupy the facilities that benefit from the contracts;
- (D) Rules adopted by the Indiana Department of Administration relating to enforcement of the Department's traffic rules must include an administrative appeals process;
- (E) The Administrative Adjudication Act does not apply to the administrative appeals process for enforcement of the Department's traffic rules;
- (F) A person aggrieved by the imposition of a civil penalty for violation of the Department's traffic rules may appeal to a court of jurisdiction;
- (G) The Attorney General may file an appropriate action to enforce imposition of a civil penalty for a traffic violation; and
- (H) Repeals superseded energy efficiency contract statutes.

Effective Date: July 1, 1999.

Explanation of State Expenditures: (A) Currently, a certificate of qualification for a contractor or a person performing professional services on a state public works project expires 15 months after issuance. This bill extends the expiration to 27 months after the date of issuance. The fiscal impact of this provision is indeterminable but there would be a reduction in administrative expenses.

(D) and (E) These provisions would exempt the Indiana Department of Administration (IDOA) from the Administrative Adjudication Act (AAA) for the enforcement of traffic rules. Exemption from the AAA means that the IDOA would no longer need to hire an administrative law judge (ALJ) to enforce the Department's traffic rules. Most state agencies that utilize outside ALJ's compensate them at an hourly rate of \$35 to \$90.

The IDOA is required to adopt rules that include an administration appeals process with regard to the enforcement of the Department's traffic rules. The rules would identify who would reside over the administration appeals process. It is assumed that there would be some administrative expenses (such as but not limited to clerical services, postage, and duplication) but those expenses are indeterminable. The administrative appeals process would be done within the existing budget and would not require an additional state General Fund appropriation.

(B) and (C) These provisions have no fiscal impact.

Explanation of State Revenues: (D) and (E) This bill provides that an individual who violates the provisions governing: (1) the registration, speed, weight, operation, parking, times, places and use of motor vehicles, bicycles, and other vehicles; or (2) the traffic of pedestrians, can be assessed a civil penalty. Civil penalties are deposited in the state General Fund.

(G) The Attorney General **may** file an appropriate action to enforce imposition of a civil penalty for a traffic violation. The fiscal impact of this provision is indeterminable and dependent on the action of the Attorney General.

Explanation of Local Expenditures:

Explanation of Local Revenues: (F) This bill provides that a person aggrieved by the imposition of a civil penalty for violation of the Department's traffic rules may appeal to a court of jurisdiction. The fiscal impact of this provision could impact the amount of cases filed in a court of jurisdiction but the impact should be negligible.

State Agencies Affected: Department of Administration.

Local Agencies Affected: Trial courts; Local law enforcement agencies.

Information Sources: Jay McQueen, Department of Administration, (317) 232-7636.